

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CSX TRANSPORTATION, INC.,

Plaintiff,

Lead Case No. 5:06-cv-138

v.

Hon. Robert J. Jonker

MESEROLE STREET RECYCLING, INC.,  
et al,

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO COMPEL**

On December 16, 2008, the court heard a motion by Meserole Street Recycling, Inc. to compel production of documents (docket no. 195). For the reasons more fully stated on the record at the hearing, that motion was granted in part and denied in part as to CSX Transportation, Inc. ("CSX"), and denied in its entirety as to Marquette Rail, LLC. CSX was directed to produce certain documents for an *in camera* review.

Accordingly, the motion is GRANTED in part and DENIED in part.<sup>1</sup>

IT IS SO ORDERED.

Dated: January 14, 2009

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge

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<sup>1</sup>The scope of the *in camera* review was modified somewhat pursuant to a subsequent motion for reconsideration (docket no. 234) which has now also been granted in part and denied in part.